

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

JENNIFER HAYDEN
PATRICK HAYDEN,
210 W. 5th St, #305
Kansas City, MO 64105
Plaintiffs,

v.

AETNA, INC.
Serve Registered Agent:
CT Corporation
120 S. Central Ave
Clayton, MO 63105

Defendant.

Case No. _____

Division _____



**PLAINTIFF'S
PETITION FOR DAMAGES**

COME NOW plaintiffs Jennifer and Patrick Hayden, by and through their counsel of record, and for their cause of action against defendant Aetna, Inc., states and alleges as follows:

1. Plaintiff, Jennifer Hayden is a resident of Kansas City, Jackson County, Missouri.
2. Patrick is the husband of Jennifer Hayden.
3. Defendant, Aetna, Inc. is and was, at all times hereinafter mentioned, a Missouri corporation licensed and authorized to do business in Missouri with it registered agent in Kansas City, Jackson County, Missouri.
4. Venue and jurisdiction are proper in this case in that the Plaintiff was first injured in Jackson County, Kansas City, Missouri.
5. The Plaintiff, Jennifer Hayden, has been prescribed 20mg of Tamoxifen Citrate following breast cancer surgery.

6. On or about 10/17/2016 Plaintiff filled this prescription with the defendant's services as she has Aetna benefits as her health plan.

7. On or about 10/23/2017 Plaintiff discovered that the defendant had been filling the prescription improperly with 10mg of Tamoxifen Citrate.

8. After the discovery, Plaintiff was ordered to quit taking the incorrect dosage and began taking the correct dosage.

COUNT I

COMES NOW Plaintiff Jennifer Hayden and for Count I of this petition states:

9. Plaintiff incorporates each and every allegation contained in Paragraphs 1-7 as fully set forth.

10. Defendant is liable for the negligence of its employees.

11. Defendant's Employees were negligent in one or more of the following ways:

- (a) Filling the prescription with the wrong dosage;
- (b) Failing to take the steps to ensure the prescription was filled with the correct dose;
- (c) Failing to warn Plaintiff that her prescription had been misfilled.

12. As a result of the defendant's negligence, Plaintiff's health has been damaged. Her chances of reoccurrence of breast cancer have increased. She has incurred medical expenses and suffered emotional distress.

WHEREFORE by reason of the premises contained herein, Plaintiffs pray judgment against defendant, for such sums as are fair and reasonable together with her costs herein incurred and for such other relief as the court deems just and proper.

COUNT II: LOSS OF CONSORTIUM

Plaintiff adopts herein, as though more fully set out, all the statements, averments and allegations contained in Count I of Plaintiff's Petition for Damages.

13. Jennifer Hayden is and was at the time of Defendant's negligence, the lawfully wedded wife of Patrick Hayden.

14. As a direct and proximate result of the negligence of Defendant, Patrick Hayden was deprived of Jennifer Hayden's consortium, services, guidance, love and affection. As a result of Defendant's negligence, Jennifer and Patrick Hayden incurred medical expenses for Jennifer Hayden's treatment.

WHEREFORE by reason of the premises contained herein, Plaintiffs pray judgment against defendant, for such sums as are fair and reasonable together with her costs herein incurred and for such other relief as the court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff requests a jury trial on all issues in this matter.

Respectfully submitted,



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